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COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 14 March 1997, at 3 p.m.

Chairman:	Mr. STROHAL (Vice-Chairman)	(Austria)
later:	Mr. SOMOL (Chairman)	(Czeck Republic)

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In the absence of Mr. Somol (Czech Republic), Mr. Strohal (Austria), Vice-Chairman, took the Chair.

The meeting was called to order at 3.15 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1997/13-16, 107, 109, 111, 116 and 117)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 7) (continued) (E/CN.4/1997/23 and 24; A/51/392)

1. Mr. LAMDAN (Observer for Israel) said that the fact that, 24 hours previously, seven innocent Israeli schoolgirls on a school outing had been shot dead and six others wounded was an indication of the human rights situation in the area of Israel.

2. His Government had yet again been singled out for criticism on its human rights record in the so-called occupied territories, while the massive human rights violations of other Governments were overlooked. Until the "rules of the game" were changed, Israel could have no confidence whatsoever in the Commission.

3. The first rule that needed to be changed was the one that allowed gross violators of human rights to sit on the Commission, and yet excluded Israel, from membership, contrary to the principles of the Charter of the United Nations and international law, which assumed sovereign equality.

4. The second was the totally unjustified inclusion of item 4 in the Commission's agenda, a blatantly political decision, despite the fact that a majority of members of the Commission, was in favour of dropping it.

5. The third rule was the automatic readoption of no less than five anti-Israel resolutions in the course of every session, which constituted a crude attempt to influence negotiations with the Palestinians and, in due course, with Syria and Lebanon. The role of the Commission was surely to support the peace process and not to hamper it.

6. The fourth rule gave the Special Rapporteur a uniquely one-sided mandate of unlimited duration and with a predetermined outcome. Without, at the very least, a thorough review of that mandate, Israel would not be able to cooperate with the Special Rapporteur.

7. The fifth rule confined the examination of human rights abuses in the Middle East to Israel, and ignored the abysmal human rights records of its near neighbours. In that connection, he cited reports by the United States and Canadian Governments and by respected international non-governmental organizations (NGOs), which had found repeated patterns of gross and systematic violations of human rights throughout the Middle East.

8. Whatever the Special Rapporteur might say, the Palestinian Authority could not be absolved of all responsibility for human rights abuses in the territories under its control. No fewer than 98 per cent of the Palestinians living in the territories were under the day-to-day administration of the Palestinian Authority, which had committed itself, in the Interim Agreement on the West Bank and the Gaza Strip of 1995, to respect and implement human rights. A climate of oppression and intimidation reigned in the self-governing areas; torture, beatings and arbitrary arrests were commonplace, while human rights activists and journalists were harassed and silenced. It was high time that the Commission concerned itself with the dismal human rights record of the Palestinian Authority.

9. Recalling the unique circumstances that had forced Israel into an occupation it had never sought, he said that, in the specific case of closures his Government had been forced to act in order to protect its citizens, as a consequence of outrages carried out by terrorists. The Government was, in fact, steadily lifting the restrictions on movement but the Palestinian Authority must honour its side of the Oslo Agreements in full.

10. The accusation that the Israeli Supreme Court had legalized torture was demonstrably false. Israeli law forbade all forms of torture and ill-treatment, and certain severely circumscribed measures, that could be applied only in extreme cases where there were strong grounds for believing a suspect had information that could save lives, could in no way be legally defined or interpreted as "torture" under any international conventions.

11. The question of the housing projects planned for Jerusalem was not a human rights issue; the city needed housing, and approximately the same number of housing units would be built for Jews and for Arabs. The Oslo Agreements contained no requirement to refrain from building in the city. About three quarters of the land designated for the projects was Jewish-owned. As Jerusalem had been the capital of the Jewish people for 3,000 years, the building projects could not be construed as changing the status of Jerusalem.

12. Whether or not the Commission was prepared to change the rules of the game, and he appealed to it for at least a modicum of fairness and objectivity, Israel would remain a free, open and democratic society, committed to peace on the basis of the principles agreed at the International Peace Conference on the Middle East in Madrid.

13. Mr. MAACHOU (Arab Lawyers Union) said that the Israeli authorities continued to violate human rights and flout international law by, amongst other things, sanctioning torture. The Israeli Government had turned its back on the peace process by allowing new settlements to be built, particularly in Jerusalem, which it was trying to isolate from the West Bank, in violation of international law, international conventions and the agreements entered into with the Palestinian Authority.

14. As usual, the Israeli Government paid no heed to international opinion, but simply pressed ahead with its plans to change the nature of Jerusalem and so pre-empt the final status of negotiations. He, too, hoped that item 4

could be removed from the Commission's agenda - when the Palestinian people had regained the right to self-determination, with Jerusalem as their capital, in a region where a just peace reigned.

15. Mr. HALINEN (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967) began his concluding remarks by offering his sincere condolences to the people and Government of Israel following the most recent loss of innocent lives in the Middle East.

16. He had tried to be factual and objective in his report, reserving the word "condemnation" for terrorism and acts of violence. No purpose would be served by unnecessarily antagonizing or isolating any of the parties involved. He had found the debate on item 4 unexpectedly calm and constructive in the face of increased tension in the Middle East, and he appreciated the support voiced for his efforts to clarify the concept of human rights in the context of the peace process and to establish a comprehensive human rights culture.

17. Human rights were an integral part of socio-economic development, and the defence of human rights could not await progress in the peace talks or economic advances in the occupied territories. It was therefore encouraging that the efforts of the international community to assist the Palestinian people were focusing on their economic and social needs and, crucially, the rule of law. He welcomed the prompt reaction by the High Commissioner and Centre for Human Rights to the request by the Palestinian Authority for technical assistance, which would lead to the establishment of an office in Gaza.

18. The prevention of human rights violations and the promotion of human rights in the Palestinian territories required concerted action: the Commission must consider reform of its agenda and methods of work and review his own mandate, while the Israeli and Palestinian peoples must recognize that they would have to live together in peace, which required the will and courage to create trust and build confidence.

19. Mr. TRAMBOO (International Human Rights Association of American Minorities) said that the concept of democratic majority rule needed to be refashioned to guarantee minority rights. Unfortunately, the largest democracy in the world - India - had sought to minimize the right to self-determination in Jammu and Kashmir, subjecting the Kashmiri nation to a reign of terror for 50 years. No Indian-sponsored elections could override that right without the freely given consent of the people of Jammu and Kashmir.

20. When a minority demanded differential treatment for the purpose of achieving equal status, it was necessary to distinguish between matters of common concern and matters specific to the minority; in all matters of common concern, the principles of equality and non-discrimination must apply.

21. Mr. GONZALES (International Indian Treaty Council) said that the human rights and fundamental freedoms of indigenous peoples continued to be violated daily as a result of the denial by nation States of their identity as distinct peoples with the inherent right to self-determination, although, under the Charter of the United Nations and the International Bill of Human Rights,

it was peoples, not nation States, that had the right to self-determination. Recognition of the right of indigenous peoples to self-determination would not cause the collapse of any nation State. Nevertheless, nation States had, throughout history, failed to honour the treaties they made with indigenous peoples.

22. A recent example was that of the Mexican Government, which appeared to have reneged on its 1996 agreement to grant autonomy to the indigenous peoples of Chiapas. He urged that Government to honour its agreements.

23. The Commission should take immediate steps to reverse hundreds of years of colonization and genocide by formally recognizing indigenous peoples as peoples, by endorsing the current text of the draft United Nations declaration on the rights of indigenous peoples, and by implementing in full the right to self-determination of indigenous peoples as recognized under international law.

24. Ms. RUPPRECHT (International Institute for Peace) said that attempts were being made by subversive groups to pervert the meaning of the principle of self-determination with the tacit or even overt support of countries seeking to destabilize their perceived adversaries. Thus, Pakistan had been involved in a sustained campaign of violence using terrorists and mercenaries in the Indian State of Jammu and Kashmir.

25. It challenged the elected government of Jammu and Kashmir on the grounds that voting had taken place under the protection of Indian security forces, although the need for such protection was demonstrated by daily terrorist attacks. After 50 years of occupation, however, the Kashmiris in areas under Pakistan's control still did not have the right to vote, they were living in Pakistan's last colony and wanted to be heard. The Jammu and Kashmir National Liberation Front had recently presented a memorandum expressing concern about the role of foreign agencies and elements fostering religious hatred in the region.

26. If Pakistan was sincere in claiming to respect the Kashmiris' human rights, it should admit responsibility for the trauma suffered by the Kashmiri people since 1947, when it had illegally occupied part of their state. The international community must persuade Pakistan to allow the people of the Northern Areas to determine their own future by electing their own representative government.

27. Mr. SAFI (International Islamic Federation of Students' Organisations) said that the people of the entire State of Jammu and Kashmir had acquired the right to self-determination at the time of the partition of India. Several Security Council resolutions explicitly prescribed that the final disposition of the state should be made in accordance with the will of its people, expressed through a referendum conducted under United Nations auspices. India's contention that a referendum was no longer necessary in view of the elections that had been held in the Indian-held part of Kashmir was invalid, since such elections could not be considered a substitute for the promised referendum in the entire State of Jammu and Kashmir. Moreover, the bilateral agreement between India and Pakistan (the "Simla Accord") could not override the legitimate rights of the people of Jammu and Kashmir, who were not party

to that agreement. Both India and Pakistan should recognize and respond to the call for self-determination for the people of Jammu and Kashmir, within the 1947 boundaries of the state, and the United Nations should reactivate its role as catalyst in the process.

28. Mr. Somol (Czech Republic) took the Chair.

29. Mr. ALI KHAN (World Peace Council) said that the creation of independent nations in the aftermath of colonial rule had left many unresolved disputes. In situations of that kind, it was advisable to leave the people concerned to find their own solutions. The tendency of outside parties to proffer advice and suggest formulations was an unfortunate one which could actually impede normalization. Attempts to influence the course of events in independent nations, however well-meaning, represented a new and more dangerous form of colonialism.

30. Kashmir was a case in point. Instead of allowing the tentative beginnings of cooperation to take shape, some outsiders seemed incapable of resisting the temptation to propose solutions based on quite irrelevant analogies. For example, the suggestion that India and Pakistan should resolve the issue of Kashmir along the lines of the Israel-Palestinian accord drew a parallel between two inherently different situations and entirely different peoples.

31. Ms. VIGNARD (Society for Threatened Peoples) said that, after 70 years of oppression by Azerbaijan, the Armenians of Nagorny Karabakh refused to accept the repetition of that traumatic experience and any return to Azeri rule. The right of secession which they claimed was an option accepted in international law in cases where a State discriminated against a part of the population, violating the principles of equal rights and self-determination, and thus forfeited its claim to sovereignty over a territory.

32. Moreover, Azerbaijan had never had a right to Nagorny Karabakh under international law, its renunciation of the territory in 1920 and the proclamation of Nagorny Karabakh as an integral part of Armenia in 1921 being the last internationally acknowledged instruments relating to the territory. The Republic of Nagorny Karabakh was thus an independent State formed in the wake of the break-up of the Soviet Union, its Declaration of Independence in 1991 being in compliance with the Soviet laws in force at the time and the international law governing secession.

33. Ms. BATHA (Christian Solidarity International) said that, in December 1991, a referendum on independence had been held in Nagorny Karabakh in the presence of many foreign observers and in full compliance with the legislation of the Soviet Union in force at the time. The response of Azerbaijan had been armed aggression. The current situation was that the Nagorny Karabakh defence army controlled 9 per cent of the territory of Azerbaijan proper whilst the Azerbaijan army held 15 per cent of the territory of Nagorny Karabakh.

34. Since the ceasefire in May 1994, the situation had been one of neither war nor peace and, if active negotiations were not resumed, the ceasefire might well collapse, with a renewal of military confrontation that would bring

incalculable hardship to all the peoples of the region. She thus urged the Commission and the High Commissioner for Human Rights to take steps to ensure that the parties negotiated an agreement on the status of Nagorny Karabakh, based on the principle of self-determination and on guarantees that refugees would be allowed to return home.

Statements in exercise of the right of reply

35. Mr. XIE Bohua (China) said, in connection with agenda item 7, that a few NGOs had once again made groundless attacks on China. By openly advocating the independence of Tibet, those organizations were in fact advocating the dismemberment of a sovereign State, motivated not by the desire to promote and protect human rights but by the hope that the Chinese State would fall apart. His delegation categorically rejected all such attacks.

36. The principle of self-determination was clearly defined in the Charter and other relevant international human rights instruments and could not be distorted at will. Any statement or action in the name of the right to self-determination that was aimed at undermining the sovereignty or territorial integrity of a State could not but create confrontation among nations, aggravate national conflicts and social turmoil, and threaten world peace and security. China resolutely resisted and opposed the use of the forum of the Commission to instigate dissension and undermine the sovereignty and territorial integrity of States.

37. Mr. MOUSSAEV (Observer for Azerbaijan) said that the so-called struggle of the Armenian ethnic minority for independence from Azerbaijan, recognized by international law as militar,' aggression against Azerbaijan and as occupation of a part of its territory, had resulted in the forcible eviction of a million Azerbaijanis and other ethnic groups from Armenia and the occupied Azerbaijani territories, together with the extrajudicial execution of more than 18,000 Azerbaijanis.

38. Respect for the sovereignty and territorial integrity of Azerbaijan and the inviolability of its borders had been emphasized in Security Council resolutions and other decisions by international bodies. The Deputy Foreign Minister of Armenia had denied the presence of Azerbaijani hostages and prisoners-of-war in Armenia but, on 1 March 1997, Azerbaijani citizens belonging to those categories had numbered around 5,000, including 314 women, 61 children and 253 elderly persons. His Government was acquainted with the whereabouts of more than 900 of those people, including 39 women, 12 children and 39 elderly persons. Most of those people were being detained by the Armenians without the knowledge of the International Committee of the Red Cross (ICRC) and thus did not appear on the official ICRC lists.

39. With regard to the so-called "genocide" and "pogroms" against Armenians - which had been organized by the Armenian secret services as a cover for aggression against Azerbaijan - he cited pogroms and killings in three Armenian towns in November 1988 and the killing of 216 Azerbaijanis during their forcible eviction from Armenia. Hundreds of inhabitants of the Azerbaijani town of Khodjali had been killed in one night in February 1992 by Armenian armed forces with the help of mercenaries and terrorist groups.

The Armenian Government should also take into account the rights of the one million Azerbaijani victims of its aggression, including hundreds of thousands of people forcibly evicted from their historical homeland.

40. Mr. TOUIMI (Observer for Morocco) said that, if the representative of a neighbouring country who had spoken at the previous meeting genuinely wished to contribute towards the solution of the Saharan problem, he would be well advised to study the terms of the settlement plan more closely and to avoid using incorrect and offensive language. Morocco was not an occupying power in the Western Sahara and its role in the region was not that of a foreign aggressor. Its lawful rights had been recognized by the International Court of Justice in 1975 and its continuing support for the holding of a referendum in the region was well-documented.

41. Mr. NAZARIAN (Observer for Armenia) said, in response to the statement by the observer for Azerbaijan, that the conflict over Nagorny Karabakh, which had claimed the lives of more than 15,000 people and caused a million innocent people to be uprooted from their homes over the past six years, continued to threaten the security and stability of the whole region. The international community had yet to come to terms with the root cause of the conflict and devise appropriate measures to find a peaceful solution. As his Government had asserted from the outset, the people of Nagorny Karabakh, who were striving for self-determination, were pitted against the Government of Azerbaijan, which was denying them their rights and security, and the statement by the observer for Azerbaijan was thus a crude violation of the principles of international law.

42. Azerbaijan maintained that it could guarantee Nagorny Karabakh's security and peacetul existence, while at the same time sowing distrust and enmity through false accusations against Armenians and a misrepresentation of its own role and responsibility in seeking a political settlement. The people of Nagorny Karabakh faced the threat of genocide and the statement by the observer for Azerbaijan was a desperate attempt to distract international attention from the real issues involved.

43. Mr. DEMBRI (Algeria), reminded the observer for Morocco that the right to self-determination was not an artificial concept but a major advance for human rights that had developed in the twentieth century. Security Council resolution 1084 (1996) and General Assembly resolution 51/143 both referred to the importance and usefulness of direct contacts between the two sides to the conflict in the Western Sahara so as to create an atmosphere of confidence and encouraged Morocco and the Frente POLISARIO to enter into a dialogue as soon as possible.

44. Mr. RAMLAWI (Observer for Palestine) said that the observer for Israel had said nothing new in his statement but merely repeated the traditional position of his Government. He had, as usual, decried the activities of the Commission and had resorted to obsolete resolutions to justify Israel's failure to cooperate with the Special Rapporteur, who had been forced to visit Israel as a private citizen. That showed a lack of respect for the Commission, which was commonly regarded as the conscience of mankind.

45. The observer for Israel had also justified the torture of Palestinians and the pronouncement on that subject by the Israeli Supreme Court of Justice, despite the fact that article 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, prohibited torture in any circumstances. Israel seemed to be bent on trampling the provisions of the Convention underfoot and on defying the will of the international community. No other country would endorse the position adopted by Israel.

46. The observer for Israel had also stated that Jerusalem belonged to Israel, which therefore had the right to establish settlers. It was, however, an occupying power and had no right to displace the citizens of Jerusalem. Such actions showed a lack of respect for the peace process.

47. Mr. de SANTA CLARA GOMES (Observer for Portugal) said that the statement by the representative of Indonesia that Portugal had lost its administering power over East Timor because it had abandoned the territory in August 1975 was not correct. Portugal had never abandoned the territory, although its capacity to intervene and control events had been reduced for a time owing to the troubles then existing. Moreover, Security Council resolutions 384 (1975) and 389 (1976) recognized Portugal as the administering power of the non-self-governing territory of East Timor, thus indicating that East Timor had not completed its decolonization process and that Indonesian rule over the territory was illegal.

48. For that reason, his Government strongly favoured the dialogue on that issue between itself and the Government of Indonesia which was currently taking place under the auspices of the Secretary-General. It also favoured including in the dialogue the people of East Timor, who were directly concerned. Every obstacle to a just, comprehensive and internationally acceptable settlement of the question should be overcome and he hoped that the Commission would contribute to that outcome by encouraging the dialogue.

49. Mr. de ICAZA (Mexico) said he was astonished that the International Indian Treaty Council, an NGO based in the United States, should have referred to the situation in the Mexican State of Chiapas under agenda item 7, since nowhere in Mexican territory was anyone subjected to foreign or colonial domination or occupation. His Government firmly intended to make headway in resolving the problems of indigenous communities, in accordance with the Constitution and the San Andrés principle. The policy of achieving peace through dialogue and negotiation still remained valid. Lastly, he assured the Commission that the unilateral ceasefire adopted by his Government a few days after fighting had broken out in January 1994 was still in force.

50. Mr. ZIARAN (Observer for the Islamic Republic of Iran) said that the reference by the observer for Israel to the United States State Department report on Iran merely demonstrated the credibility of his delegation's earlier statement. The United States was trying to distract world public opinion from the terrorism and crimes committed by Israel. He recalled an Iranian proverb that a thief always called his accomplice as a witness.

51. Mr. TOUIMI (Observer for Morocco) said that he would not dispute the comments by the representative of Algeria, though some matters could be clarified. The Secretary-General's report (S/1997/166), paragraph 6, stated

that both sides wished to maintain contact. The representative of Algeria had raised a new issue. He hoped that the other questions he had asked would be answered in due course.

52. Mr. MULUME (Zaire) said his delegation categorically refuted the assertion by the Special Rapporteur on the use of mercenaries that there was a massive presence of mercenaries alongside Zairian forces. The Special Rapporteur had not checked his facts. Foreign advisers serving with regular forces were not mercenaries. Moreover, the conflict in Zaire had nothing to do with self-determination; it was a foreign aggression by neighbouring countries using Tutsi rebels to invade Zairian territory. In that context, the Special Rapporteur failed to mention the existence of mercenaries among the foreign troops concerned, despite the fact that Security Council resolution 1097 (1997) acknowledged the fact and demanded the immediate withdrawal of those troops.

53. Mrs. SYAHRUDDIN (Indonesia) said that her Government's stated position was unchanged. Portugal was apparently engaged in an attempt to assuage its guilty conscience over events in its former colony of East Timor by transferring the blame to Indonesia. The assertion that Portugal was the administrative authority of East Timor was fatuous, except in the most archaic interpretation of General Assembly and Security Council resolutions. The last time that a resolution on East Timor had been voted on in the United Nations had been 14 years previously and it had been adopted by a very slim majority.

54. Mr. DEMBRI (Algeria) said that no political conditions should be attached to the direct contact between Morocco and the Frente POLISARIO. The Western Sahara was the last gulag still existing in the world and it was the duty of the international community to end that situation. Algeria had carried out its role of observer to the conflict so effectively that a ceasefire was in place. As for the remarks by the observer for Morocco on the internal Algerian situation, he would not comment upon them since they were beneath contempt.

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 13) (E/CN.4/1997/68 and Add.1, 70, 71 and Add.1 and 2, 72 and Add.2, 3 and 4; A/51/301)

55. Mr. ZAHRAN (Egypt) said that, with the end of apartheid in South Africa, it had seemed that racism was becoming a thing of the past. There had, however, been an unfortunate recrudescence of racism, racial discrimination and xenophobia, the worst examples of which were to be found in the former Yugoslavia. The "ethnic cleansing" and genocide there, that had clearly been planned at the highest political level, were to be utterly condemned, as were the similar events in Rwanda.

56. There were other countries, too, in which racial abuses, even extending to torture and murder, were to be found; migrant workers in a number of advanced countries, for example, had been subjected to attacks for which Governments and the media bore some responsibility. It was a matter for deep concern that racism and xenophobia should be actually taking new forms and in that context, steps should be taken to ensure that the Internet was not abused.

57. While it was a welcome development that two International Tribunals were in place to punish violations of human rights, neither of them was beyond criticism. The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 had been unable to try two of the most egregious personalities involved, Mr. Karadzić and General Mladić. Proceedings in Rwanda were much too slow; faster progress would provide the best guarantee of security for refugees and displaced persons in the Great Lakes region.

58. The international community should do its utmost to fight racism in accordance with the objectives of the Third Decade - for which the Centre for Human Rights should provide a point of contact to coordinate all programmes that were adopted - as well as the Programme of Action of the World Summit for Social Development.

59. Mr. XIE Bohua (China) said that, although the international community had tried for decades to eliminate racism and racial discrimination, and had achieved some positive results, the combat against racism was far from over. Indeed, some new forms of racism - traceable to profound and complex causes - had arisen. Colonialism and nazism had provided their socio-historical basis and the concept of racial superiority continued to exert considerable influence in some societies. The social realities of certain countries showed that, despite the principle of equality in law and institutions, people who were different in race, colour, origin or religion were often the target of discrimination and persecution.

60. In furtherance of the fight against new forms of racism, the United Nations should continue to condemn and give priority attention to all forms of racism and racial discrimination, particularly new forms of racism, through the activities planned for the Third Decade to Combat Racism and Racial Discrimination. The Special Rapporteur on contemporary forms of racism, who had done much useful work, should be provided with adequate resources. Secondly, the relevant United Nations bodies should conduct a comprehensive study of contemporary forms of racism and their social causes and manifestations, with a view to recommending effective measures to eliminate all forms of racism. Thirdly, countries still plagued by racism should be urged to face up to their responsibility and take political, legal, administrative and educational steps to address the problem.

61. His Government had been steadfast in its stand against racism and racial discrimination. It had resolutely supported the struggle of the peoples of southern Africa against racism, sponsoring relevant resolutions and making annual contributions to the United Nations Trust Fund for South Africa, whose apartheid policy it had roundly condemned. China had always scrupulously fulfilled its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide and the International Convention on the Suppression and Punishment of the Crime of Apartheid and would actively support the work of the Third Decade and its follow-up activities, which would help to eliminate all forms of racial discrimination, in cooperation with the other members of the international community.

62. Mr. PLORUTTI (Argentina) said that his delegation was concerned about the persistence of intolerance, as manifested by the current immigration crisis and the spread of racist ideologies through the information media. Education was an essential component of efforts to eliminate racism and racial discrimination. The Special Rapporteur should be given greater resources.

63. The principle of equality was proclaimed in Argentina's Constitution and legislation. In August 1988, a law had been unanimously adopted providing that civil proceedings could be instituted against anyone arbitrarily restricting the full enjoyment of basic rights, especially through actions or omissions that discriminated on such grounds as race, religion, nationality, ideology or other opinion, sex, economic or social status or physical characteristics. Such acts were also punishable under the Penal Code if they manifested persecution or hatred of a particular race, religion or nationality or if they sought to destroy any national, ethnic, racial or religious group.

64. In 1993, a national anti-discrimination programme had been launched to raise public awareness of the problem, inter alia by supporting the efforts of the NGOs. The constitutional reform of 1994 had given human rights treaties the force of constitutional law and had provided that the remedy of amparo could apply to actions or omissions involving any type of discrimination. The National Institute against Discrimination, Xenophobia and Racism was responsible for formulating national policies and specific measures in that area. His Government was confident that the progress made to date would result in a more democratic and non-discriminatory society.

65. Mr. SIMKHADA (Nepal), having stated that his country's Constitution forbade discrimination against any citizen on the grounds of religion, race, sex, caste, tribe or ideological conviction, said it was disheartening to learn from the Secretary-General's report on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (E/CN.4/1997/68) that a lack of resources had hindered the implementation of the activities planned. He welcomed the report's linkage of the elimination of racism with the work of the Office of the United Nations High Commissioner for Refugees (UNHCR), since Nepal was a small, least-developed country which had provided asylum to the largest caseload of refugees in Asia for a number of years. He was concerned to note that racial discrimination against migrant workers and their families continued to worsen.

66. International action, including that under the Programme of Action for the Decade, had led to some progress. However, manifestations of racial discrimination continued, sometimes on the part of Governments themselves, and represented a threat to international peace and security. Nepal, which had actively opposed apartheid, believed that the preservation of the cultural heritage of one population group at the expense of that of another both hindered social development and violated the provisions of the Charter and the Universal Declaration of Human Rights.

67. The Commission should emphasize dialogue rather than political confrontation in its work and should encourage self-criticism rather than apply pressure. He appealed to all Governments, intergovernmental and non-governmental organizations and communities to join forces to combat all forms of racism and intolerance.

68. Mr. van WULFFTEN PALTHE (Netherlands), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, said that action at the international level to combat intolerance, which was at the core of human rights violations, must be complemented by government measures to fight racism and prevent it from leading to violence and tragedy. Tolerance was both the essence of human rights and the foundation of freedom, justice and peace.

69. Although the national policies of the States members of the European Union took a firm stand against intolerance, Union-wide efforts to combat racism were also under way. In December 1995, the European Council had recommended the harmonization of national legislation and the development of legal assistance between member States. In July 1996, it had adopted a joint action to combat racism and xenophobia, inter alia through legal assistance. A proposal to establish a European Monitoring Centre for Racism and Xenophobia was also being developed; it would provide objective information and help to develop national and Union-wide policies. Lastly, the Union had designated 1997 as the European Year against Racism, during which countries would share information on good practices and conduct publicity campaigns to reinforce a climate of acceptance and appreciation of racial and ethnic groups.

70. In November 1995, the participants in the first Euro-Mediterranean Conference had confirmed their commitment to promoting tolerance. The work of the Council of Europe in that area had been given fresh impetus by the establishment of the European Commission against Racism and Intolerance. The Organization for Security and Cooperation in Europe (OSCE) had addressed the issue as well, largely through its High Commissioner for National Minorities and its Office for Democratic Institutions and Human Rights.

71. He called upon all States that had not yet done so to ratify the International Convention on the Elimination of All Forms of Racial Discrimination, together with the amendment concerning financial arrangements for the Committee on the Elimination of Racial Discrimination, and to recognize the Committee's competence to consider communications from individuals.

72. The Committee's practice of preparing concluding observations was very useful. He hoped that it would step up its cooperation with regional and non-governmental organizations and with other United Nations bodies and instruments, including the Commission's Special Rapporteur on the subject.

73. Although the idea of convening a world conference on racism and intolerance was an interesting one, alternative ways of addressing the issue at a high level should first be examined. Such efforts should be focused and practical and should complement existing activities and instruments.

74. Early warning measures to prevent and respond to ethnic and racist violence were essential; the United Nations should adopt a coordinated, system-wide approach to the task. Intolerance was evident, however, even in

peaceful societies, and must be combated through human rights education to prevent outbreaks of violence and promote the full realization of human rights for all.

75. Ms. HODGES (International Labour Organization (ILO)) said that ILO continued to promote equality of employment and occupation for all. ILO Convention No. 111, which had been ratified by 125 States, was one of the Organization's fundamental human rights conventions; the Director-General was conducting a campaign to secure further ratifications. The supervisory bodies for that Convention, which were unique in their tripartite representation, sought to eliminate racial discrimination in the workplace. The Organization also cooperated with United Nations bodies such as the Committee on the Elimination of Racial Discrimination and the Commission's Working Group on Minorities. Its technical assistance and cooperation projects sought to help countries eliminate discriminatory practices in the workplace.

76. Ms. McCLURE (International Labour Organization (ILO)) said that, in the early 1990s, ILO had launched a project on combating discrimination against migrant workers and ethnic minorities in the world of work. The first phase of the project had revealed disturbingly high levels of discrimination in developed countries. Such discrimination was not only morally and socially unacceptable, it was also economically short-sighted. The second and third phases of the project, which were currently under way, involved the analysis of the effectiveness of national legislation and training activities. The fourth and final phase would disseminate the findings of the first three through national and international seminars; the seminars' conclusions would be published in the form of a manual on combating job discrimination against immigrants and ethnic minorities.

77. Mr. LITTMAN (Christian Solidarity International) said that anti-Semitism had been a taboo subject in the Commission and other United Nations forums until mentioned in a 1992 report of the Secretary-General. The Commission's image had been badly tarnished at the current session, when the Chairman and the members of the Commission had failed to react to the grotesque libel put forward by the observer for Palestine, who had accused the Israeli authorities of infecting 300 Palestinian children with the human immunodeficiency virus (HIV). He had offered no proof to back up that grave accusation.

78. The accusation was similar to past ones, which had been investigated and found groundless, that Israel had poisoned Palestinian schoolchildren. He wondered whether such foul and false allegations could have influenced the Jordanian soldier responsible for the recent cold-blooded shooting of Israeli schoolgirls.

79. He recalled that the Swedish Attorney-General had successfully prosecuted the head of the anti-Semitic, Stockholm-based Radio Islam for incitement against an ethnic group and that a report on the case had concluded that central institutions in society had a special obligation to fight anti-Semitism. The Commission was such an institution. He therefore requested the Chairman to prepare a declaration prohibiting the expression of racist sentiments in the Commission, and called upon the Commission, as the proclaimed conscience of mankind, to support that declaration.

80. In addition, he asked that arrangements should be made, through the World Health Organization and other bodies, to conduct an official and independent investigation of the recent accusation; if it was found to be false, it should be declared a racist crime punishable by a suitable international tribunal.

81. Ms. TANAKA (International Movement against All Forms of Discrimination and Racism) said that States must accept and implement internationally recognized standards and cooperate fully with international supervision systems. She hoped that the Commission would support implementation of the activities planned for 1997 contained in the report of the Secretary-General (E/CN.4/1997/68, paras. 82-85).

82. She noted that all the States visited by the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance were parties to the International Convention on the Elimination of All Forms of Racial Discrimination and suggested he should consider visiting countries which had not yet ratified that instrument. The Special Rapporteur and the Committee on the Elimination of Racial Discrimination should stay abreast of each other's work and take it into account in their own efforts. Lastly, the United Nations, and especially the Committee on the Elimination of Racial Discrimination, should make more efforts to involve national institutions and NGOs in the implementation of the Convention.

The meeting rose at 6.10 p.m.